



February 26, 1999

SENATE BILL No. 65

DIGEST OF SB 65 (Updated February 25, 1999 5:08 pm - DI 78)

Citations Affected: IC 13-11; IC 13-15.

Synopsis: Air permits on styrene. Provides a new deadline for a person to file an appeal of the decision of the commissioner of the department of environmental management in issuing an initial permit under the operating permit program. Prohibits the commissioner of the department of environmental management or a designated staff member from applying new source review requirements solely because of a change in an emission factor.

Effective: July 1, 1999.

Riegsecker, Ford

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

February 15, 1999, amended; reassigned to Committee on Environmental Affairs.

February 25, 1999, amended, reported favorably — Do Pass.

SB 65—LS 6148/DI 13+



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February 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 65

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-11-2-213 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 213. "Source", for
3 purposes of **IC 13-15-7-5** and IC 13-17-7, means an aggregation of one
4 (1) or more facilities that are:
5 (1) located on:
6 (A) one (1) piece of property; or
7 (B) contiguous or adjacent properties; and
8 (2) owned, operated, or controlled by the same person.
9 SECTION 2. IC 13-15-6-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE MAY 1, 1999 (RETROACTIVE)]: Sec. 1.
11 (a) Not later than fifteen (15) days after being served the notice
12 provided by the commissioner under IC 13-15-5-3:
13 (1) the permit applicant; or
14 (2) any other person aggrieved by the commissioner's action;
15 may appeal the commissioner's action to the office of environmental
16 adjudication and request that an environmental law judge hold an
17 adjudicatory hearing concerning the action under IC 4-21.5-3 and

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1 IC 4-21.5-7.

2 (b) Notwithstanding subsection (a) and IC 4-21.5-3-7(a)(3), a
3 person may file an appeal of the commissioner's action in issuing
4 an initial permit under the operating permit program under 42
5 U.S.C. 7661 through 7661f not later than thirty (30) days after the
6 date the person received the notice provided under IC 13-15-5-3,
7 for a permit issued after April 30, 1999.

8 SECTION 3. IC 13-15-7-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided
10 in sections 2, ~~and~~ 4, ~~and~~ 5 of this chapter, the commissioner or a
11 designated staff member may revoke or modify a permit granted by the
12 department under environmental management laws or IC 13-7 (before
13 its repeal) for any of the following causes:

- 14 (1) Violation of any condition of the permit.
- 15 (2) Failure to disclose all of the relevant facts.
- 16 (3) Any misrepresentation made in obtaining the permit.
- 17 (4) Changes in circumstances relating to the permit that require
18 either a temporary or permanent reduction in the discharge of
19 contaminants.
- 20 (5) Any other change, situation, or activity relating to the use of
21 a permit that, in the judgment of the department, is not consistent
22 with the following:

23 (A) The purposes of this title.

24 (B) Rules adopted by one (1) of the boards.

25 SECTION 4. IC 13-15-7-5 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 1999]: Sec. 5. (a) This section applies to the following:

- 28 (1) An existing source that has been issued an operating
29 permit by the department.
- 30 (2) An emission unit at an existing source described in
31 subdivision (1).

32 (b) The commissioner or a designated staff member may not
33 apply new source review requirements to the source or emission
34 unit solely because of an increase in emissions resulting from a
35 revision or refinement of an emission factor contained in the
36 United States Environmental Protection Agency publication AP-42
37 or in any other generally accepted compilation of emission factors.

38 SECTION 5. An emergency is declared for this act.



SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 65 and that Senator Riegsecker be substituted therefor.

GARTON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 65 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senator Ford be added as coauthor of Senate Bill 65.

RIEGSECKER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, delete the effective date "[EFFECTIVE JULY 1, 1999]" and insert "[EFFECTIVE MAY 1, 1999 (RETROACTIVE)]:".

Page 2, line 2, after "(a)" insert "**and IC 4-21.5-3-7(a)(3)**".

Page 2, line 5, delete ":".

Page 2, delete line 6.

Page 2, line 7, delete "(2)".

Page 2, run in lines 5 through 7.

Page 2, line 9, delete "June" and insert "**April**".

Page 2, line 31, delete "air pollution control board" and insert "**department**".

Page 2, line 35, delete ":" and insert "**new source review requirements**".

Page 2, delete lines 36 through 38.

Page 2, run in lines 35 through 39.

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 65 as printed February 16, 1999.)

GARD, Chairperson

Committee Vote: Yeas 5, Nays 3.

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